

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

MONICA PLACK, RICHARD PLACK,  
and GRAM AND GRAMP'S HOUSE IS  
HOME, LLC,

Plaintiffs,

v.

PERRY TOWNSHIP, OHIO,

Defendant.

Case No. 5:20-cv-01160

Judge Sara Lioi

**STIPULATION OF PARTIAL SETTLEMENT  
AND CONSENT ORDER FOR INJUNCTIVE RELIEF**

Plaintiffs and the Defendant desire to avoid costly and protracted litigation and have voluntarily agreed to resolve the Plaintiffs' claims for injunctive relief against Perry Township by entering into this Consent Order. The Court having reviewed the terms of agreement below and approving of same,

It is hereby ORDERED, ADJUDGED, and DECREED as follows:

**I. SPECIFIC INJUNCTIVE RELIEF**

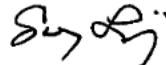
- a. The Parties now agree that the operation of a residential care home for seniors with disabilities, as Plaintiffs have intended, is a permitted use within the meaning of the Township's Zoning Resolution. As such, the Plaintiffs shall be permitted to operate a residential care home for seniors with disabilities at 4035 Cinwood Street, NW, Massillon, Perry Township, Ohio 44646.
- b. This approval shall not be revoked for any reason that violates the Fair Housing Act, Title II of the Americans with Disabilities Act, or Section 504 of the Rehabilitation Act of 1973. The Township reserves the right to ensure that the property is operated in compliance with all applicable Township codes and legal requirements; provided, however, that the Township shall not enforce any restriction in a manner that retaliates, harasses, or otherwise discriminates against Plaintiffs or any of their current and future residents.
- c. The Township and its elected officials, employees, and agents shall not interfere with Plaintiffs' rights secured under the Fair Housing Act, Title II of the Americans with Disabilities Act, or Section 504 of the Rehabilitation Act of 1973, or retaliate against Plaintiffs for asserting such rights.

**II. NO ADMISSION OF LIABILITY ON THE MERITS; FURTHER PROCEEDINGS**

- a. This Stipulation of Partial Settlement and Consent Order is not an admission of liability by Defendant, and is intended only to resolve Plaintiffs' claims for injunctive relief relating to the operation of the residential care home at 4035 Cinwood Street, NW, Massillon, Perry Township, Ohio 44646. This Stipulation of Partial Settlement and Consent Order shall have no preclusive effect on any factual or legal issue presented in this case, whether relating to Plaintiffs' claims or to Defendant's defenses. Plaintiffs' claims for monetary relief and for further or additional injunctive relief shall remain pending for future proceedings.
- b. The Court shall retain jurisdiction to ensure compliance with this Stipulation of Partial Settlement and Agreed Consent Order for a period of three (3) years from the date of its entry on the docket. Any disputes or concerns regarding compliance herewith shall be brought to the Court for resolution. Prior to filing any formal motion seeking aid from the Court regarding compliance, a party shall file a Notice of Request for Telephone Conference, which must include certification of having made sincere, good faith efforts to resolve any dispute. The Court will promptly schedule a conference call to address the matter. Only after failure of these informal methods may the party file a formal motion for enforcement under the Federal Rules of Civil Procedure.

**IT IS SO ORDERED:**

This 21 day of September, 2020.



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The Honorable Sara Lioi  
United States District Judge

AGREED AND DATED: September 16, 2020

*Stephen M. Dane*

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